

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**DARAIUS DUBASH, and DR. FARAZ  
HARSINI**

**Plaintiffs,**

**V.**

**CITY OF HOUSTON, TEXAS;  
HOUSTON DOWNTOWN PARK  
CORPORATION; OFFICER ROBERT  
DOUGLAS (# 7943), in his Individual  
capacity; OFFICER VERN WHITWORTH  
(# 7595), in his individual capacity;  
DISCOVERY GREEN CONSERVANCY  
f/k/a HOUSTON DOWNTOWN PARK  
CONSERVANCY; and BARRY MANDEL,  
in his individual capacity,**

## Defendants.

**CIVIL ACTION  
CASE NO. 4:23-cv-03556**

**JOINT MOTION SETTING BRIEFING SCHEDULE ON PLAINTIFFS' MOTION FOR  
A PRELIMINARY INJUNCTION, AND EXTENDING DATE FOR EVIDENTIARY  
HEARING**

Plaintiffs and Defendants Discovery Green Conservancy f/k/a Houston Downtown Park Conservancy (hereinafter “the Conservancy”), and Barry Mandel, in his individual capacity (collectively, “the Conservancy Defendants”), jointly move for an Order setting a briefing schedule on Plaintiffs’ motion for a preliminary injunction, and extending the timeframe in which the Court schedules a hearing on the motion.

## I. BRIEFING SCHEDULE

1. This action involves allegations by Plaintiffs that Defendants violated certain rights under the United States Constitution, and the Texas Religious Freedom Restoration Act (found

generally at TEX. CIV. PRAC. & REM. CODE § 110.001, *et seq.*). The Complaint consists of eight separate causes of action articulated through 279 decretal paragraphs. *See* Docket No. 1.

2. Since filing the action, Plaintiffs have moved for a preliminary injunction seeking to restrain defendants from taking certain actions relative to the allegations in the Complaint pending the disposition of this suit. *See* Docket Nos.13-16.

3. The law firm of Wilson, Elser, Moskowitz, Edelman & Dicker, LLP, was retained to represent the Conservancy Defendants in this action, including in its response to the preliminary injunction motion, and entered an appearance on behalf of the Conservancy Defendants on November 1, 2023. *See* Docket No. 21.

4. The Conservancy Defendants' counsel has reviewed both the Complaint and the motion for a preliminary injunction. The Conservancy Defendants require time to investigate the facts and prepare a proper response to the motion. Accordingly, Plaintiffs' counsel has agreed to extend the deadline by which the Conservancy Defendants must respond to the motion from November 10, 2023, to December 8, 2023. The Conservancy Defendants have agreed that Plaintiffs' time to reply to the opposition papers would be extended to December 22, 2023.

5. This is the Conservancy Defendants' first request for an extension of their deadline to respond to Plaintiffs' motion.

## **II. EVIDENTIARY HEARING DATE**

6. Plaintiffs are represented by attorneys affiliated with Law and Religion Clinic at the University of Texas at Austin Law School. Given the involvement of law students in this case, and the desire for students to be able to attend any hearing, Plaintiffs have requested that any hearing on the motion for a preliminary injunction not be held until a date after January 16, 2024.

7. The Conservancy Defendants have no objection to this request.

### III. PRAYER FOR RELIEF

8. Based upon the foregoing, Plaintiffs and the Conservancy Defendants jointly request that the Court set a motion schedule as follows:

- **Conservancy Defendants' opposition to the motion for a preliminary injunction shall be due on or before December 8, 2023**
- **Plaintiffs' reply to the Conservancy Defendants' opposition shall be due on or before December 22, 2023**
- **Any evidentiary hearing on this motion shall be held on a date after January 16, 2024.**

Respectfully submitted,

s/ Andrew S. Holland

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